EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anne Carlson on April 15, 2011.

The application has been amended as follows:

Claims 7-9 have been canceled.

Claim 1 (currently amended). A transgenic plant comprising a plant transformation vector comprising a [heterologous] nucleotide sequence that [(i)] encodes a DRO5 polypeptide comprising an amino acid sequence having at least 90% [identical] sequence identity to the amino acid sequence of SEQ ID NO:2, [or (ii) is fully complementary to a sequence that encodes a DRO5 polypeptide comprising an amino acid sequence at least 90% identical to the amino acid sequence of SEQ ID NO:2,] wherein said transgenic plant has increased drought tolerance relative to a control plant[s].

Claim 5 (currently amended). A method of producing increased drought tolerance in a plant, said method comprising:

(a) introducing into progenitor cells of the plant a plant transformation vector comprising a [heterologous] nucleotide sequence that [(i)] encodes a DRO5 polypeptide comprising an amino acid sequence having at least 90% [identical] sequence identity to

the amino acid sequence of SEQ ID NO:2 [or (ii) is fully complementary to a sequence that encodes a DRO5 polypeptide comprising an amino acid sequence at least 90% identical to the amino acid sequence of SEQ ID NO:2], thereby producing transformed progenitor cells and

(b) growing the transformed progenitor cells to produce cells to produce a transgenic plant, wherein said [polynucleotide] nucleotide sequence is expressed, and said transgenic plant exhibits increased drought tolerance relative to a control plant.

Claim 6 (currently amended). A plant obtained by [a] the method of claim 5 [producing increased drought tolerance in a plant, said method comprising:

(a) introducing into progenitor cells of the plant a plant transformation vector comprising a heterologous nucleotide sequence that (i) encodes a DRO5 polypeptide comprising an amino acid sequence at least 90% identical to the amino acid sequence of SEQ ID NO:2 or (ii) is fully complementary to a sequence that encodes a DRO5 polypeptide comprising an amino acid sequence at least 90% identical to the amino acid sequence of SEQ ID NO:2, thereby producing transformed progenitor cells, and

(b) growing the transformed progenitor cells to produce cells to produce a transgenic plant, wherein said polynucleotide sequence is expressed, and said transgenic plant exhibits increased drought tolerance].

Claims 1-6 and 10 are allowed. Claim 5 has been rejoined in accordance with *In re Ochiai*. The above amendments were made to obviate issues under 35 USC 112, first and second paragraphs and to cancel a non-elected invention not rejoined under *In re Ochiai*.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUONG BUI whose telephone number is (571)272-0793.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on 571-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuong T. Bui/
Primary Examiner, Art Unit 1638